



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1280]

Certain Laptops, Desktops, Servers, Mobile Phones, Tablets, and Components Thereof;

Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 2, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Sonrai Memory Ltd. of Ireland. An amended complaint was filed on August 6, 2021. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laptops, desktops, servers, mobile phones, tablets, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,159,766 (“the ’766 Patent”); U.S. Patent No. 7,325,733 (“the ’733 Patent”); and U.S. Patent No. 8,193,792 (“the ’792 Patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, as amended, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 31, 2021, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 3-6, 8, 10, 13-14, 16-21, 25-27, 45, 47-50, 54-58, and 60 of the '766 patent; claims 1-3, 6-7, 9, 11-15, 17-18, 20-23, and 25 of the '733 patent; and claims 1-18 of the '792 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "laptop computers, desktop computers, servers, mobile phones, tablets, and components thereof";

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Sonrai Memory Ltd.

Suite 23

The Hyde Building, Carrickmines

Dublin 18, Ireland

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Amazon.Com, Inc.

410 Terry Avenue North

Seattle, WA 98109

Dell Technologies Inc.

One Dell Way

Round Rock, TX 78682

EMC Corporation

One Dell Way

Round Rock, TX 78682

Lenovo Group Ltd.

6 Chuang ye Road, Haidian District

Beijing 100085, China

Lenovo (United States) Inc.

1009 Think Place, Building One,
Morrisville, NC 27560

Motorola Mobility LLC
222 W. Merchandise Mart Plaza, Suite 1800
Chicago, IL 60654

LG Electronics Inc.
LG Twin Tower 128 Yeoui-daero
Yeongdeungpo-gu, Seoul, 07336, South Korea

LG Electronics USA, Inc.
1000 Sylvan Ave
Englewood Cliffs, NJ 07632

Samsung Electronics Co., Ltd.
129 Samsung-Ro, Maetan-3dong
Yeongtong-gu, Suwon-si, Gyeonggi-do
443-742
South Korea

Samsung Electronics America, Inc.
85 Challenger Rd.,
Ridgefield Park, NJ 07660

(c) The Office of Unfair Import Investigations, U.S. International Trade
Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 31, 2021.

Lisa Barton,

Secretary to the Commission.